THE NEW REPUBLIC

Aid to Parochial Schools?

The Editors

A Philosopher on Politics

William Lee Miller

Eichmann and the Law

George R. Parsons, Jr.

Two Negro Films

Stanley Kauffmann

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T.R.B. *from Washington*

The School Issue

★ What surprises us after examining the parochial school issue is how hazy the Supreme Court's decisions are. We had supposed separation of Church and State under the First Amendment clear-cut and positive. Actually no line exists on school aid.

Federal loans and grants now go to sectarian colleges; federal loans go to parochial schools for buying science equipment (National Defense Education Act, 1958), and to sectarian colleges to encourage training of more teachers. The government helps parochial schools with milk and lunch programs. Even the famous 5-to-4 Everson case (1947) is ambiguous since it allows local school districts to pay transportation to parochial schools. The legal situation seems considerably less sharp than Kennedy made it appear. when he talked to his press conference.

Personally we think the Catholic hierarchy is creating a load of trouble for itself in implying it will fight all federal aid if it can't get low interest loans for parochial schools. The ultimatum itself is provocative. It implies a dog-in-the-manger attitude and the same kind of approach that brought such a rebuff in Catholic Puerto Rico in the last election.

The argument boils down to this: "We are saving non-Catholic taxpayers millions by educating 5,240,000 students out of America's 37.6 million. Costs are rising. Parochial schools are in competition with public schools whether acknowledged or not. Vice President Nixon favored letting the states decide whether to aid non-public schools. The legal situation is obscure – Kennedy to the contrary notwithstanding. Federal loans to schools won't breach the First Amendment or, if they do, hardly more than do existing laws."

The counter-argument is fairly obvious but one aspect of it often gets slurred over. The state-supported American public school is the great melting pot of democracy, the mingling place of all creeds and viewpoints. Any sect that wants to withdraw may opt out but it should do so at its own expense because it has itself taken the initiative to dualism. Only a few years ago leading Catholic educators frankly acknowledged this. Surprisingly enough the Church has sharply changed position and stiffened its attitude under a Catholic President who firmly opposes its demand.

Getting the Message Through

★ Kennedy has been getting a lot of mileage out of his "live" TV press conferences, messages, and the like. He has quite swamped the rather pathetic Thursday morning counter-sessions put on jointly by Dirksen and Halleck. This has brought the funny complaint of Herbert G. Klein (remember him? – Nixon's former press secretary?) that the GOP is being unfairly "short-changed" with no "equal rebuttal to this powerful presentation." The networks, Klein thinks, should give frequent, if not "equal time." He forgets the years of Eisenhower domination.

Since January 20 Kennedy has sent Congress nine formal messages with six more scheduled; he has sent 11 follow-up communications on specific measures with a lot more to come; he has held eight formal press conferences. The public gets the impression of a vigorous, hard-working executive but it all moves so fast it is hard to follow. Kennedy's Gallup Poll popularity is high – 72 percent, but this is a personal matter. There is no big grass roots drive yet on Congress.

There is also the danger that the public will get bored. Kennedy has done a powerful preliminary job of establishing his personality after a slim victory; now it is about time for Phase II. He should sit down with the public and explain things, one topic at a time, in simple, relaxed presentations. Foreign aid is one. The need for accelerated national growth is another.

We heard Kennedy's top economist, Walter Heller, give a brilliant 56-page presentation of how the slowdown of our growth endangers us in the cold war. The United States could be turning out $30-$35 billion more goods and services a year if idle men and slack factories were put to work. Heller's comments got little play; the only way to drive this home we guess is for Kennedy himself to sit down in the American living room by television, and tell the story.

The Talkative Cop

★ A lot of liberals dislike J. Edgar Hoover without quite knowing why. The reason is, we think, a natural repugnance to a cop mingling in politics. They react the same way to an admiral sounding off on foreign affairs. Here for example is Hoover's paean about the Un-American Activities Committee: "Your committee's role in safeguarding our freedoms is well known to every patriotic citizen, and real Americans are not going to be fooled or misled by efforts to discredit your vital task."

Then again Sen. Karl Mundt (R., S.D.), friend and defender of McCarthy, got a neat oblique Hoover indorsement in the close 1960 election. Who were the big champions against Communism in Congress, a friend of Mundt asked the sanctified Hoover? Hoover promptly said, "Why, Mundt, of course; plus Democrats like McCormack (Mass.) and Rooney (N.Y.)." (The latter two were certain of re-election.) Mundt won by less than 15,000 with Hoover's indirect indorsement.

Others had doubts about the City Hall student riots in San Francisco that produced the controversial film *Operation Abolition*. Hoover has no doubt at all; he expresses his judgment publicly – they were "Communist-instigated riots . . . the most successful coup to occur in the San Francisco area in 25 years."

★ *Notes:* We have some doubts about the proposed Peace Corps; we wish some of the dedicated youngsters would get to work right here at home, say with the miserable migrant farm workers earning $900 a year. . . . Newspapers will discover soon that we almost have a 23rd Amendment, giving DC a vote in Presidential elections; 30 states have ratified, 8 more are needed.

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Parochial and Public

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The wall of separation between Church and State has been breached many times; should it be breached again by permitting Church-related schools to share equally in the federal aid to education the President recommends? The most persuasive, practical argument for the affirmative is that unless some concessions are made (primarily to parochial schools run by the Roman Catholic Church) there will be no aid legislation this year or next. It is said that even a bill that is not encumbered by special religious or racial demands would have difficulty in attracting a favorable majority – especially in the House. But when the proposition is cast in terms of being for or against assistance to parochial schools (or for or against a new "Powell Amendment"), that potential majority vanishes. As for principle, it is argued that there is nothing new about government aid to Church-related institutions. Church property is tax exempt, which means that churches receive a tax subsidy. Federal funds have been made available to Church-related schools for lunch programs, for transportation, for a variety of facilities and activities deemed worthy of support under the National Defense Education Act. And such exceptions have not been confined to education. The Public Health Service Act of 1948 grants money to states for the construction of sectarian hospital facilities. That Act specifically says that although non-discrimination is to be the rule, "an exception shall be made in cases where separate hospital facilities are provided for separate population groups . . ."

The attitude of the Roman Catholic Bishops of the United States on this matter shifted somewhat since the Bishops spoke in November, 1955. At that time they said that "the students of these [private and Church-related] schools have the right to benefit from those measures, grants, or aids, which are manifestly designed for the health, safety and welfare of American youth, irrespective of the school attended." Apart from the reference to "welfare," which covers a multitude of blessings, this statement is more limited, less intimidating than the recent pronouncement by The Most Rev. Karl J. Alter, Chairman of the Administrative Board of the National Catholic Welfare Conference: "In the event that a federal aid program is enacted which excludes children in private schools, these children will be the victims of discriminating legislation. There will be no alternative but to oppose such discrimination." That is plainly a declaration of war against any across-the-board federal aid in which the parochial schools do not share. The hierarchy thus joins forces with the conservative coalition

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in Congress that wants no federal subsidies to schools. It only makes passage of the President's bill unlikely; it creates further embarrassment for John Kennedy. He cannot say it publicly, but the first Catholic President must disavow any measure which could be interpreted as pro-Catholic; just as Sen. Joseph Clark of Pennsylvania appears to think he must favor aid to parochial schools, for he is running for re-election next year in a state that is about 30 percent Catholic.

(If any doubt remained as to the gravity of the hierarchy's concern, it was dispelled when Joseph Cardinal Ritter declared on March 12 that, "If public funds are raised for the educational benefit of the children of America, then all children should share in the benefit" – a declaration followed in rapid succession by one equally sharp from Cardinal Spellman on March 13.)

One has the eerie feeling of having tumbled head over heels through time and space into a parliamentary crisis in the Third or Fourth French Republic. But the crisis is here and now, and the issue is constitutional as well as political. The President has said that, in his judgment, one form of aid to parochial schools – "across-the-board loans" – is unconstitutional. As a prediction of what the Court would do in fact, the judgment is daring. The 14-year-old *Everson* case, on which Mr. Kennedy relied, is inconclusive as a precedent, although the Court did say that: "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called. . . ." It is even far from certain that if Congress extended across-the-board loans to parochial schools, a case could be contrived to give the Court jurisdiction to pass on its constitutionality. But as the President recognized, the Supreme Court is not the only institution required to construe and apply, which is to say, "preserve, protect and defend the Constitution of the United States." That is a function also, and first, of the President and of Congress. They too must be guided by the history of the American disestablishment, of which, as the late Justice Rutledge said, the First Amendment "is at once the refined product and the terse summation." We must work out our own prudential solutions to particular problems – and these change. But we are admonished that certain solutions touch fundamental values, if not the very meaning, of our society. Therefore – quite aside from any specific prediction of what the Court may do – policy and constitutional law here merge inextricably.

We are often reminded of how complex a society we have become in the technological and economic sense, and of the delicate adjustments and balances upon which we depend, as by a thread. At least as much is true of this country politically and culturally, of the tension of federalism and of the balance between nationalizing and pluralistic forces. Culturally, no doubt the most significant nationalizing, equalitarian force, by which we have set immense store since the great immigrations started before the Civil War, has been the free public school system. Without one, Britain was two nations. We should have been 20. And today, by virtue of the Court's School Segregation decision, it is chiefly through our system of public education that we have set about completing the equalizing work begun by the Emancipation Proclamation.

Yet when this great nationalizing force threatened to engulf pluralistic influences by making public school education the only schooling one could have, the First Amendment intervened, for it not only forbids "an establishment of religion" but also protects "the free exercise thereof." And this right to establish and to attend private, church-run schools was upheld in the famous 1925 case of *Pierce v. The Society of Sisters*. Two years earlier, the Court had ruled against state control of a parochial school's curriculum.

Such is the balance. The state is bound to tolerate centrifugal cultural influences and to offer them no direct discouragement. But we misunderstand the scheme if we think of the state as neutral. It is neutral in that it must prefer none of our many religions and cultural strains. But it is itself committed to exerting a secular, unifying, equalitarian force. While required impartially to accept the presence in society of sectarian influences, the state is nevertheless itself a party in the contest. To accept the principle of general support of public and private schools equally out of public funds is to abandon the mission of the state, since it removes the single most effective inducement available to the state to draw people to its system of schools and away from centrifugal systems. To this extent, it is the mission of the state to discourage parochial schools, just as it is the mission of the Catholic Church, for example, to discourage Catholic attendance in public schools. The churches all have a powerful ally in the protected institution of the family. The state, responsible for our nationhood, is forbidden to compel and may only rest on the inducement of its free schools.

This inducement may be diminished in various ways, to be sure, short of abandoning the principle of separation. There have been pressing reasons for breaching the wall in order to satisfy other needs, such as those of national defense. There are questions of degree here as elsewhere. Hence the President's judgment that the

NEXT WEEK

Stanley Kauffmann reviews the controversial motion picture Operation Abolition, *assembled from film clips subpoenaed by the House Un-American Activities Committee and now being shown to audiences throughout the country.*

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provisions for loans for scientific equipment in the National Defense Education Act are constitutional. And even across-the-board loans would not immediately signal the end of secular public education. Yet they would invite the beginning of the end of the primacy of that system.

Unless, of course, federal aid was to be the beginning of the end of the privateness of private schools! It not only would but should. But is the Catholic hierarchy prepared to pay that price for public subsidies? Cardinal Cushing of Boston was not in 1955, when he said: "We are not looking for any federal or government aid to build our schools. I would absolutely refuse the offer for I cannot see how any government or state would build schools without expecting to control them." Private schools that draw on public funds might be considered public to the extent of being required, as the state is, to admit pupils without regard to race or religion, and conceivably to offer either no or all religious teachings. This is, of course, preposterous. But it denotes the tenacity with which the law holds the state to its equalitarian mission in all its activities. The incongruity of the result just supposed is itself an indication of the revolution that would be worked in our system by involving the state with parochial schools. No one can foresee all the wide-ranging adjustments that would be necessitated were the state-church balance to be so violently disturbed.

It remains to say a word about the supposed inequitable burden for forcing some parents to pay taxes for the support of the public schools while barring them from access to the public funds so accumulated, and remitting them to private resources, in supporting their private schools. The burden is undeniable, but its justification is plain. The nationalizing, equalitarian work of the state is in everyone's ultimate interest, within the limits set on the state by the free-exercise-of-religion clause of the First Amendment. It is a presupposition of the society into which we have brought our various cultural traditions, and it makes for our cohesion. For this we pay, whether or not conscience permits us to partake of public schooling. This, as Justice Holmes said of all taxes, is payment for the American civilization. Separate paths within it, which are allowed, are the particular concern of those who pursue them.

Jenkinson's Law

If you thought that the arts are immune to Jenkinson's Law ("Everybody's crazy"), read on. The following is the first paragraph of an article by Vladimir Vengherov, a Soviet film director, in the March, 1961, issue of an English magazine called *Films and Filming:* "Let me make one thing clear for a start. A Soviet film director has complete freedom to make the kind of films he wants to make. He can pick his subject and . . . writer, providing of course the subject is approved by the studio's own Art Council and can be expected to meet with the approval of the Ministry of Culture."

Salvage Job in Laos

On the face of it US policy in Laos might seem naïve. As negotiators march back and forth between Vientiane (capital of the US-supported Boun Oum regime) and nearby Pnompenh in Cambodia (headquarters of the exiled Prince Souvanna Phouma, head of the last Soviet-recognized Laotian regime), the consolidation of Communist military control over northern Laos continues unchecked. With the Soviet buildup of the Pathet Lao uninterrupted and the non-Communist military position progressively weakening, one might reason that the time for US intervention in the form of a massive counter-buildup of the Boun Oum armed forces or of direct US participation in the Laotian conflict is now or never.

And yet the practical choice has not been between intervention or non-intervention. For the outgoing Assistant Secretary of State for Far Eastern Affairs (a former Ambassador in Vientiane), J. Graham Parsons, left nothing of substance in Laos in behalf of which the US could intervene. The one non-Communist personality of any standing – Souvanna Phouma – had been unseated as Prime Minister in a coup personally engineered by Parsons during a Vientiane visit last August, when the Prince had insisted on a neutralist foreign policy. There might have been some sort of logic to Parsons' conniving against him had there been any other Laotians capable of holding together a non-Communist government. But neither Boun Oum nor General Phoumi Nosavan commanded power or respect. Parsons' determination to install them, despite the protests of Ambassador Winthrop G. Brown, led to the expectable defection of many previously uncommitted Laotians to the pro-Communist camp. It became easier for the Soviets to justify stepping up their military support for the Pathet Lao side of a civil conflict in which the lines between the good guys and the bad had become thoroughly confused – confused not only to Laotians but to neighboring non-Communist Asians and indeed most of the world.

All that the new Administration has been able to do is make a last-ditch stand in the hope that some regime might still be salvaged in Vientiane – a regime broad-based enough so that the Communists might feel the need to join in a pact neutralizing the country; or if the Pathet Lao leaders persist in pressing their military advantage, to marshal popular support for a military stand against them.

Prospects for the success of such an effort are at this

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late hour rather dim. Though the replacement of Parsons has been in the works since last November, he has remained at his post throughout the protracted period during which a successor was being chosen (the appointment of Walter McConaughy, now Ambassador in Korea, was announced last week). He has not been overly vigorous in pushing the initiatives of the new Administration. When the US recently induced the King of Laos to ask that Burma, Cambodia and Malaya constitute a commission of inquiry into the Laotian conflict, none of these three were consulted in advance. As might have been predicted, all turned the idea down; valuable weeks were lost, and now the search for the terms of a coalition regime proceeds with Pathet Lao cannon sounding in the ears of the negotiators.

Perhaps it is needless to add a reminder that Laos' location at the nexus of five Southeast Asian states on the periphery of Communist China gives it a strategic importance quite out of proportion to the size of its territory (89,000 square miles) or population (3 million). Waverers in South Vietnam and Thailand would incline to the Communist side should the Pathet Lao take over Laos. And even the more stable societies of Cambodia and Burma with their popularly-supported neutralist foreign policies would be shaken by a Pathet Lao triumph.

Persistent Castroism

Short-term diplomatic efforts to quarantine Cuba have been running into trouble. While Castro's reliance on Soviet military and economic aid and his efforts to export revolution have alienated almost every other American Government, he still has considerable support among student groups, labor unions and left-wing politicians. In recent weeks these pro-Castro elements have won a series of electoral victories. In British Honduras the left-wing People's Party won all 18 elective seats in the new Assembly; in Argentina, Alfredo Palacios, the Grand Old Man of Argentine socialism and a bitter critic of "Yanqui imperialism," won a seat in the national Senate; and in Chile the leftist coalition headed by Salvator Allende captured an important number of seats in the Senate and Chamber of Deputies.

Professor A. A. Berle's recent tour of Latin America to drum up support for multilateral action against Castro has therefore had little success. Despite Berle's views, Chilean President Alessandri has pointedly refused to break relations with Cuba, and Argentina's President Frondizi went so far as to offer to serve as mediator between Castro and the US (Castro rejected the offer). Brazil's newly-inaugurated President Quadros, who included a visit to Havana as part of his successful election campaign, has also rejected US pressure and declared that his country intends to pursue an "independent course." Except for the United States and Peru, the only nations which have broken relations with Cuba are Haiti, the Dominican Republic, Nicaragua, Guatemala, and Paraguay – all the remaining dictatorships in this hemisphere.

In Cuba, moreover, Castro seems as firmly in the saddle as ever, despite continued fighting in the Escambray; his revival of Revolutionary Tribunals and the firing squad has evidently given pause to would-be rebels. Plans for a Cuban Government-in-Exile are evidently well-advanced, but there are some in Washington who have begun to think twice about committing the US to a counter-revolution whose chances for success appear so dubious.

Slow Upward Climb

There wasn't a whisper in last week's testimony before the Joint Economic Committee of the Congress about prosperity's being around the corner. The President's Council of Economic Advisers, Treasury Secretary Dillon and Federal Reserve Chairman Martin kept their optimism on a tight leash. The 20-year peak of unemployment – over 5.7 million men and women out of work in February – will be superseded by March figures that will be less bleak because of spring trade and Easter buying and the opening up of farm and construction work in many places; a bottoming out of the 1960-61 recession is therefore in sight. But a quick upturn and full recovery is not.

With exceptional force, Chairman Martin describes the new era of prosperity and convertible currencies in the industrial nations of Western Europe which provides opportunities for free world growth, but which also sets narrow limits to the domestic management of our interest rate. In view of the association of the Federal Reserve Board with the high interest rates of the recent past, one gathers that Mr. Martin is not wholly averse to a state of affairs in which the maker of monetary policy is no longer eligible for the quarterback's position in moving the economy forward. He approves (if it works) of the current extension of Fed purchases to the long-term end of the market, in an effort to lower long-term rates and thereby stimulate expansion at home, while leaving short-term yields high enough to keep dollars from flowing out in a successful search for greater returns abroad. At the same time, he fears the inflationary effects of stimulating the economy sufficiently to eliminate structural unemployment – and here he appears to differ with the President's Council of Economic Advisers. Mr. Martin emphasizes the disappearance of jobs in farming, mining, transportation and blue collar work in manufacturing industries; and among the semi-unskilled and the unskilled in one-industry areas making autos, steel and electrical equip-

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ment. While expressing the Fed's willingness to do its share in combating *cyclical* joblessness and fostering growth, he holds to the belief that the actions necessary to eliminate *structural* unemployment would have to be carried to such lengths as to create new inflation.

The Council of Economic Advisers, on the other hand, evidently believes that a large amount of structural unemployment – due to such factors as obsolescence, changes in taste, or automation – will be swallowed up if we are able to achieve full recovery and avoid serious cyclical unemployment in the future. CEA Chairman Walter Heller and his two colleagues do not expect the curve of our come-back to be V-shaped – that is, a straight-up, rapid rise from the bottom – but rather U-shaped. And they point out that, "even if the gross national product in the last quarter of this year were to achieve an all-time record level 3.5 percent higher than the fourth quarter of 1960 . . . the unemployment problem would still be roughly the same magnitude as today."

Since the specialties of two of the three CEA members is fiscal policy, it is not surprising to find the Council emphasizing the possibilities of this tool, both as a means of inducing economic growth and as a means of providing the funds necessary to sustain our national budget at a point no further out of balance than may be desirable in a recession.

The attention Mr. Kennedy gave during the campaign to inducing plant modernization through fast tax write-offs is underscored in the Council's warning that the average age of US industrial equipment is now nine years and rising, whereas countries such as Japan and Germany and Western Europe generally, not to mention the USSR, have renewed their productive capacity much more recently. The members also stress that recovery is likely to be sufficiently gradual to obviate any danger that the programs now before Congress for stimulating the economy would take effect so far along in the recovery as to be inflationary.

What of anticipated tax revenues? According to Secretary Dillon, the Eisenhower budget forecast must be revised: corporate profits, earlier anticipated to reach $46 billion, may fall as much as $3 billion below that figure, and personal income too may not reach its expected level.

Yet the over-all tax review about which so much was said during the campaign will not be ready for Congress, Mr. Dillon says, until next January – in an election year. And this raises again the persistent question of the Administration's timing.

The list of requests which the President has sent to Capitol Hill is lengthening; the time for legislative performance is soon. Labor Secretary Goldberg, fresh from a tour of areas which his Department reports as having "substantial and persistent" labor surplus is convinced that the country is concerned. But the shock-

Seeding

absorbers that have been built into our economic system against the worst misery – unemployment compensation, surplus food distributions – cushion the jolts. Things appear not to be too bad to the millions who are at work; and most Congressmen represent districts where the employed are in the majority. Facts in this situation may not speak louder than words. The President still has to find new techniques for creating and sustaining a mood of urgency, a sense that action *now* is required. And surely the formula is that combination of concern and conviction which Candidate Kennedy used so effectively when he discussed the religious issue before the Protestant ministers in Texas.

Private Enterprise

Danilo Dolci of Sicily, architect, social reformer, author, is now in the United States on a mission to recruit US supporters. Dolci was a conscientious objector in Mussolini's Italy who worked after the war in a Catholic community for delinquents, a Utopian adventure later disavowed by the Church. During a visit in Sicily he was so deeply moved by the poverty of the people, the impotence of the Church and State and the terroristic influence of the Mafia that he settled in 1952 in Trapetto, a small, extremely poor town 20 miles west

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of Palermo, where he and some friends started a kindergarten and a "people's university."

In 1955 he moved to Partinico where average murders were well over 20 a year. Out of 900 families, 400 were in extreme want; the fathers of 160 families were either in prison, murdered or had joined the Mafia. Dolci organized a thousand-member collective farm. He and volunteer unemployed workers repaired a long-neglected road, claiming the right to work as provided in the Article IV of the Italian Constitution. He was arrested (it was one of many arrests), but the court took note of "the high moral value of Dolci's action." Committees of intellectuals arose in various countries to encourage him. Camus and Sartre, Silone and Mauriac, Myrdal and Aldous Huxley lent their support. So did Jayaprakash Narayan of India.

His book *Report on Palermo* created a sensation and was translated into English, German, French and Swedish. The state charged that the book, which featured long interviews with Sicilians, was pornographic. But a court ruled otherwise. Lecturing in Sweden, Dolci criticized the social policy of the Italian Government. Thereupon, his passport was revoked, only to be restored after the government had been showered by protests from European intellectuals. In 1958, Signor Dolci was awarded the Lenin Peace Prize, which he accepted "in a non-political spirit." The money was used to open his now famous "Study and Planning Centers for Full Employment" in western Sicily.

Dolci has drawn international attention to Europe's "underdeveloped areas." He believes in combining social action to remove the causes of human misery with self-help and personal regeneration. But what makes his work unique is that he is trying to harness modern social science to the service of the heart. He is recruiting sociologists, economists, demographers, agro-technicians, urban planners to work out a Development Plan for western Italy, to do privately what is left undone by the government. He is seeking international aid in this effort. He should not go home from America empty-handed.

Hope for North Africa

Within two days of the February 27 meeting between the Presidents of France and Tunisia, de Gaulle, in a series of moves designed to win the confidence of the Algerians, curbed the police powers of the French army in Algeria and dropped his previous demand that the FLN lay down arms before coming to the peace table. He also hinted at the release of Mohammed ben Bela and other imprisoned rebel chieftains, a step which would permit all the FLN leaders to participate in formulating a common policy. The Algerians, impressed by the French President's sincerity and by Bourguiba's insistence that they "help de Gaulle" – and obviously satisfied with the course of the secret French-Algerian talks held in Switzerland – responded favorably the following day. In a joint communique issued from Rabat by the leaders of Algeria, Tunisia and Morocco, they agreed to open immediate negotiations for "independence in the framework of total decolonization" and expressed interest in a North African Confederation which would have "friendly ties" with Paris.

Bourguiba would hardly have been willing to act as the FLN's *port parole* if he had not been certain of getting from de Gaulle the sort of offer it could find acceptable. What came as a pleasant surprise was the re-affirmation by the North Africans of their desire to unite and to work closely with France. Morocco, during the past year, has drifted far from Tunisia. Her desire to annex Mauretania, her flirtations with Nasser and her pro-Lumumbist Congo policy brought her closer to the UAR and the Soviet Union than to her North African "brothers." The prospect of peace in Algeria, however, coupled with the shock of the sudden death of Morocco's King Mohammed appears to have brought about a reappraisal.

Reserving Space

In his fine book *The Squeeze*, Edward Higbee tells of a beautiful residential development that was condemned by the state in order to build a freeway, less than six years after the development's completion. Some 350 families had hardly settled in and turned new houses into homes before they had to go house-hunting again; tenderly-nurtured lawns grew up in weeds, and vandals ransacked the abandoned residences.

Mr. Higbee says the state had to pay some $50,000 an acre to condemn; whereas the land might have been had for $2,000 to $3,000 an acre before building; and "it takes 60 acres a mile to build a modern expressway." This is one example only: "Taxpayers in practically every metropolitan area in the US are in debt for bond issues floated to pay the frightful costs of destroying newly-developed communities in order to build even newer highways."

The Inter-County Regional Planning Commission of the Denver metropolitan area has taken the lesson to heart and has had a Public Site Reservation Enabling Act introduced in the Colorado Assembly providing "for the reserving and preserving by certain political subdivisions of the state, of open spaces and land areas for public uses and enjoyment."

City councils or boards of county commissioners or both in partnership could, in pursuance of a master plan, draw up a map showing "the location, size, shape, width, measurement and description of streets,

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roads, highways, parkways, public grounds, parks and recreation grounds, school lands and lands reserved for conservation, water supply, sanitary and drainage facilities, flood control and storm drainage" for future building. After elaborate public hearings, and provisions for protest or requests for change not only from private owners, but from other local bodies, the map would go on file with the county clerk and recorder.

There would be a limit of 10 years, and "no permit shall be issued after the adoption of the map, which would allow for the construction of any building or structure which would substantially impair uses of lands as designated and reserved in said map." No owner could recover damages for any improvement built thereafter, unless the improvement had been duly licensed under this law. Anyone who built upon such reserved lands in defiance of the law and without a permit would be guilty of a misdemeanor.

This modest approach to site-zoning in time as well as in space probably won't get past the 1961 Colorado State Legislature, since forestalling and outguessing the public authorities has always been an approved way of getting rich. But it is an interesting indication of the ways in which some public authorities are moving, however tardily, toward solving the problems of ever more people on an inflexible area; problems which, together with the natural resources to nourish those people, take precedence as a bundle over all others save the question of survival itself.

Poets and Politicians

The rush-hour traffic between the White House and the ivory tower has not abated. Scholars turned bureaucrats work overtime in countless government offices. Artists and museum directors confer with the President – or his wife. Robert Frost is becoming almost as well known as Eddie Arcaro. Mr. Kennedy does his best to make poets respectable by comparing them to politicians. On a TV show honoring Mr. Frost, he remarked that the revelation of a truth, unforeseen or unacceptable to the many, is the heroic function of the poet; the politician's comparable mission is to battle in the public forum for his view of the national interest, however indifferent or truculent the majority may be. Both require courage.

This easy familiarity between those who write books and those who write messages has precedents: Malraux, d'Annunzio, Churchill, Theodore Roosevelt come to mind. It is said that two million Frenchmen thronged the boulevards of Paris as Victor Hugo's funeral cortege passed – almost as many as visited Valentino's bier. Perhaps the New Frontier leads from the open plains to the open mind. We have over-cultivated the one; the other is virgin land.

Peace Corps at Home

Eleanor Roosevelt's suggestion, endorsed by the President, that Peace Corps volunteers also be used at home in slums and distressed areas opens up interesting possibilities, though less glamorous ones than columnist Art Buchwald's offer to serve as a volunteer on the French Riviera, where, he points out, people walk around "half naked, lacking shelter, and many still don't have their own boats." Mr. Buchwald promises to "live the way they do, eat the food they do, share their homes and show them that an American is not too proud to become one of them, no matter what hardships he has to face."

Much has been written about the merit of having these young volunteers blending into the new environments and living "inconspicuously" wherever they may go. But the first time one of them has an attack of appendicitis in, say, Nigeria, we shall see how conditional this resolve is. And so it should be. What makes an American abroad "ugly" is not that he is "conspicuous" but that he is inconsiderate, ostentatious, self-righteous, ignorant or plain indifferent to alien ways – not that he lives on an American income level but that he lives emotionally insulated from the society around him.

But to return to Mr. Buchwald's gesture, though it is true that service in Boston seems less adventurous than service in the boondocks, it is far easier and less hazardous to arrange. For there is considerable experience of successful volunteer work in the US on which to build. Working under the direction of established organizations – settlement houses, the YMCA, the Urban League, various church groups – more trained young people could be leaders for groups of children and adults in leisure time programs. They can conduct recreation activities in areas with heavy concentrations of migrant labor or on Indian reservations. In blighted areas, especially those into which new population groups are moving for the first time, volunteers have been helpful in fixing up homes and pointing out ways to make a livable situation out of what had seemed hopeless. Young people have been working in mental hospitals and in schools for the retarded. They can assist in day-care centers or teach vocational skills. They can help adolescents find self-esteem and an outlet for their energy in something less destructive and perhaps more entertaining than gang wars.

Peace Corps officials in Washington have been meeting with private organizations experienced in such activities, and whatever Peace Corps program emerges will undoubtedly be integrated with and in most cases run by established agencies. There isn't one of them that could not use more personnel, particularly personnel whose subsistence is provided by the federal government and who therefore are no financial burden.

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T. K. Quinn

General Electric

A former GE Vice President who resigned "because of just such practices as those disclosed in the Philadelphia price collusion case" describes who runs the company.

There is to be an election to determine whether the present chief officials of the General Electric Company are to keep their jobs, despite the judgment in the Philadelphia price collusion case. Theoretically, the stockholders will make the decision. Will they, in fact? Not at all. It just doesn't work out that way. Stock ownership in GE, as in other giant corporations, is fragmentized and widely scattered. Most of the stockholders, in number, may not vote at all. The big blocks of GE stock that always make the annual meetings appear so farcical are held in huge private, insurance or pension trust funds, and to a lesser extent, in mutual funds. Who will vote this deciding stock interest on judgment day? Why, the trustees of these funds, of course. Who are they? Well, about 10 New York banks are the trustees for about three-fourths of it. They will make the decision.

If you want a diagramatic sketch of just how the machinery will work, here is a probable one: Mr. Sidney Weinberg, who sponsored Mr. R. J. Cordiner for his official position with General Electric, must first make up his mind on the relative chances. Sidney won't be too deeply concerned over the ethical questions involved. He's a smart, personally likeable, go-getting, dollar-directed, little man. President of the Wall Street banking firm of Goldman Sachs, he is also a director of General Electric, General Foods Corporation, Continental Can Company, Cluett Peabody & Company, General Cigar Company, B. F. Goodrich Company, Ford Motor Company, McKesson & Robbins, Inc., National Dairy Products Company, etc., etc.

Mr. Weinberg will probably go to work on his banking friends in an effort to convince them that Mr. Cordiner was right when he said, "Nobody has been damaged," just before he announced elaborate plans to prevent future abuses, in a way that implied he knew nothing of the crimes for which several GE executives were jailed and fined. Some of the more responsible and public-spirited banking trustees will protest that the moral standing of the whole business community, and therefore the country, is at stake. They will agree with Judge Ganey that "General Electric and the others made a mockery of our free enterprise protestations," and provided opponents with another argument for more governmental controls and public representation in these quasi-public institutions.

The answer will be half-hearted, "Yes, but Chairman Cordiner discharged a number of the convicted GE executives, and he's trying, belatedly, to straighten things out." Chairman Cordiner *did* discharge several who were not close to him, and he accepted under fire, the resignation of the President, a Cordiner protégé. But Vice President Edward Ginn was not dismissed. He was the big man in the affair, at $125,000 a year, who

Honorable Gentlemen, All

The General Electric Company is not unique. The president of Westinghouse Electric Corporation, Mark W. Cresap, Jr., has explained in a letter to "fellow-stockholders" that these "alleged [sic] conspiracies to violate the Sherman Antitrust Act . . . were unauthorized and strictly contrary to Westinghouse policy, which requires that antitrust laws must be obeyed."

Dwight D. Eisenhower was exonerated when things went wrong on the grounds that the President could not possibly know and did not sanction every act of his "associates." But public opinion may be less disposed to acquit the executives of Westinghouse of complicity in a corporate policy that prevailed for years. Even the stockholders must find it hard to accept without skepticism Mr. Cresap's statement that although the guilty may have been "misguided," they "did not act for personal gain . . . they were furthering the company's interests"; or his comment that "each of these individuals is in every sense a reputable citizen, a respected and valuable member of his community and of high moral character."

THE EDITORS

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was in line for the presidency and close to Cordiner. After his jail sentence Mr. Ginn will resume his old position. He's too close to the throne to be cast off. Only the designation of a new chief officer in place of Cordiner would wipe the slate clean and eliminate Mr. Ginn, unless he will accept a pay-off, which isn't likely. These things will not escape intelligent people, and General Electric will continue under its present cloud.

At this point the discussion will go to another level. Mr. Weinberg will probably say, "We're all in this together and must hang together or we'll hang separately" – an argument that often wins. He may not fail to remind the bankers of other confidential deals. There is always strong pressure to sit tight.

On the one side it will be contended that the dismissal of Mr. Cordiner would be an admission of guilt, which although believed by Judge Ganey to be true, and supported by the long record of General Electric antitrust violations through the years, was not technically proved in Philadelphia. On the other side, the argument will be advanced that people see through technicalities, that public opinion has been aroused and there is too much at stake to try to defend Cordiner. And what of the example which has been set and its effect on the hundreds of thousands of young men who aspire to be business executives?

In the end the deciding issue is not likely to be responsibility or morality. It will, in all probability, be decided like the collusive prices – a judgment based upon what the traffic will bear. Just how much will public opinion accept? A handful of trustees who altogether own less than one percent of the outstanding General Electric stock will decide. They are the ones who are really on trial.

Further Thoughts on Nuclear Pacifism

by Christopher Jencks

London

I was interested in Bertrand Russell's explanation of his position on nuclear disarmament in *The New Republic* two weeks ago, for it confirmed two convictions about the Campaign for Nuclear Disarmament which have been growing on me since I arrived in Britain a year ago. First, CND is a political rather than a moral or philosophical movement, and has very little to do with what I call nuclear pacifism. Second, as a political strategy it may have something to contribute to English thinking about defense and foreign policy, but it has almost no relevance to the dilemmas facing conscientious Americans.

Pacifism, as I understand it, is a doctrine which asserts that violence has a disastrous effect on those who use it, and must be eschewed no matter what the consequences for the world. Of course many pacifists deny that the consequences for the world are undesirable, and argue that in the long run pacifism produces a better world, even if in the short run it may allow Hitlers to run rampant. But the essence of their position is a selfish concern for the state of their own soul.

Nuclear pacifism is a special version of this outlook, which eschews only nuclear violence. The nuclear pacifist accepts the possibility that delinquent nations like delinquent individuals may benefit from restraint, even if that restraint is violent, and he is willing to accept the debilitating effects on himself of resort to violence, just as he is willing to accept the possibly debilitating effect on individuals who are appointed policemen. But he cannot accept the proposition that *nuclear* violence might be good for its victims, any more than he accepts the idea that capital punishment can be good for delinquents. Neither can he accept the claim that we are justified in doing something which is bad for the victim merely because it may be good, or less bad, for us.

The true nuclear pacifist would argue, then, that England should abandon her nuclear weapons not because they tempt Russia to attack Britain, but because they tempt Britain to revenge herself for such an attack. The pacifist is not preoccupied (at least in principle) with his own destruction, but with having a clear conscience. He is worried about the possibility of having a share in the murder of 50 million Russians, especially when he anticipates that this murder will not be justified either by the hope of freeing the Russians, or by the hope of saving his countrymen's lives (which will be lost already).

Clearly Lord Russell's position is neither moralistic nor pacifist in these terms. Nor are any of the speeches or articles which I have seen from his followers and colleagues. Lord Russell never argues that England should refuse to retaliate if attacked first, although from his own viewpoint this might be logical, since more of the Western virtues would probably survive in

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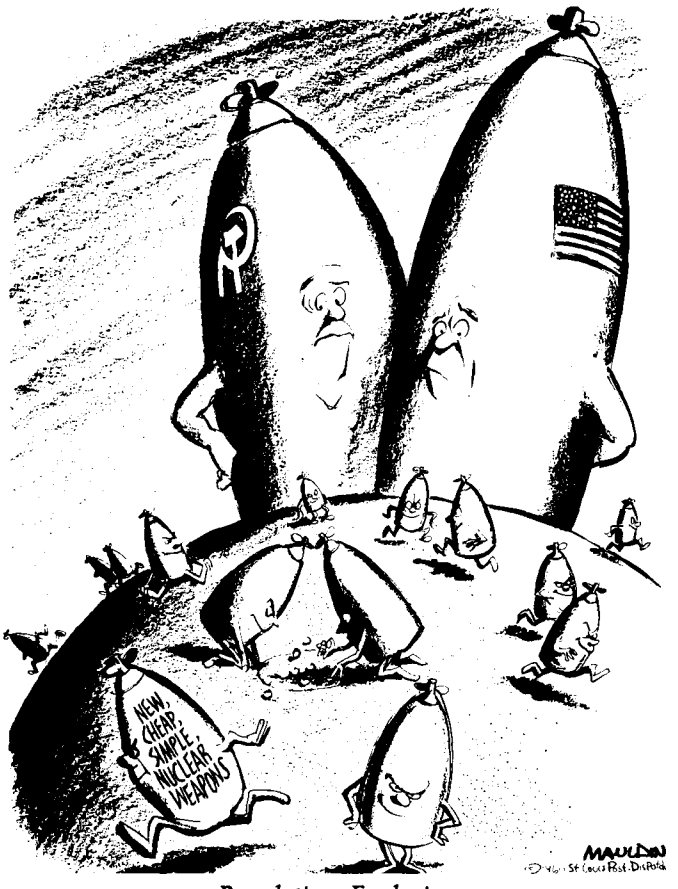

Population Explosion

a Russia untouched by ICBM's than in either East or West under an authoritarian post-nuclear government. Rather, he argues that England should abandon her weapons because this will reduce the chances of her being attacked. This is no more pacifist than the legendary cowboys' hanging up their guns before entering the TV saloon. It is merely a strategy, far from foolproof, to avoid getting shot. It may be a wise strategy when you know that the other gunmen in town draw quicker and shoot straighter than you, but it certainly has only vaguely moral overtones. Furthermore, it increases the chance that one of the principals in a quarrel will, to stretch the simile, grab you as a shield in his gunfight, or otherwise exploit your helplessness.

Which brings me around to my second point, namely that the Campaign for Nuclear Disarmament may be relevant to England's international position, but not to America's. In order to make this clear, it is important to realize that the Campaign has had two distinct political effects. One is symbolized by the annual 46-mile Easter parade to London from Aldermaston (the English equivalent of Oak Ridge); the other by the "Scarborough decision" that was made last year by the Labour Party Conference.

The effect of the Aldermaston March, and the intention of some of its participants, has been to draw attention to the redundancy of Aldermaston itself. Clearly it is silly for a second-rate power which cannot "go it alone" even in Suez, to maintain the expensive façade of nuclear independence, complete with separate research establishments and rocket programs. Liberal opinion in England has accepted this fact. Even the Tories have abandoned the Blue Streak program for British ICBM's, and it seems only a matter of time before Aldermaston will also go. But if this is unilateralism, it is a very watered down variety. It does not bring an end to American SAC bases, to the NATO alliance, to the "Anglo-American deterrent" or to the virtual certainty that any general nuclear war would bring English civilization to an end.

Attack on the Alliance

The CND has, therefore, directed its energies against the American alliance as well as the British deterrent. Last year their efforts led to the passage of a resolution at the Labour Party Conference condemning American nuclear bases in Britain. Implicitly this resolution opposes the whole principle of NATO, and many, though by no means all, of its supporters would like to see England become neutral in the Cold War, allied with India rather than the United States.

Americans need not, of course, take undue alarm. No prospective English Government has shown any sympathy for neutralism. Under the three party system, the leader of the Liberal Party, Jo Grimond, is never Prime Minister, but the liberals, in the guise of Messrs. Macmillan and Gaitskell, are nevertheless always sure to run the government. All three of these men could find a place in Mr. Kennedy's Cabinet, and all share a good deal of the liberal American outlook. Furthermore, the English parliamentary system gives even less power to the radical socialists on the Labour Back Benches, and the old-style Tories on the Conservative Back Benches, than the American Congress gives their counterparts in the US. The neutralists constitute less than 10 percent of Parliament, and this probably overestimates rather than underestimates their national significance. A decision at an English party conference, like a plank in an American party platform, reflects the passionate conviction of a minority and the overwhelming indifference of the majority. Decisions in Parliament, unlike decisions in the US Congress, respond relatively little to lobby pressures, even when the lobby is as vocal as Lord Russell's.

The near-certainty that Britain will not break up NATO does not, of course, mean that CND is wrong to criticize the present structure of that organization. Lord Russell's argument that America no longer includes Europe in her defense perimeter, and would not undertake nuclear war to defend London or Paris, has led many English liberals to the conclusion that England must keep her deterrent until she can work out an

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inter-European weapons system which will assure that NATO's deterrent remains credible to Russian strategists, rather than appearing a "paper tiger" which might not roar if Russian troops marched into Berlin or Bonn or bombed London and Paris. Likewise, the CND attacks on Aldermaston and the independent deterrent underline the benefits of joint research, for America as well as Britain. If Britain paid, say, 10 percent of the bill, and supplied her present extraordinary research staff, the gains for America would more than offset the risks of truly joint control over nuclear policy.

But these arguments, so salient for the CND, are almost trivial in comparison with the dilemmas facing America as a leading contender in the Cold War. Even the CND is far from clear what America should do to avoid Armageddon, and Lord Russell rightly points out that his own program is not one on which his colleagues have agreed (nor, apparently, even discussed). CND is heavily tinted with English insularity, not to say chauvinism, and it wastes little time worrying about things across the water. Certainly few of its advocates have seriously considered the consequences of unilateral American disarmament.

Yet of all people perhaps the English are best fitted to consider these consequences. They have only to review their own history during the 19th Century (and Russia today is Victorian in many ways), to figure out what the Russians would do if America disarmed unilaterally. Such historical perspective should make clear, even if vetoes in the Security Council have not, the contempt with which Russia, like all great powers, normally treats "world opinion." It is no more conceivable that American unilateralism would be the first step toward multilateral disarmament than that the dismemberment of the Napoleonic fleet should have led England to dismember her own fleet. If the US disarms, we will have Pax Sovietica, and it is not likely to be more benign than Pax Brittanica or Pax Romana.

It would, of course, be preferable to the peace of the dead. If we could look forward to nothing more promising than another 50 years of the balance of terror, with everyone waiting for the inevitable imbalance to follow, then unilateralism would possibly be the only sane course. But this is hardly a reason for America now to concede not only everything the Russians demand, but much that they do not, by disarming ourselves without even extracting a promise of Russian disarmament or a pretense of inspection. A nation willing to run the risks of unilateral disarmament could do better for itself and for humanity by running the undoubtedly lesser (though still substantial) risks of multilateral disarmament. The fact that we cannot agree to create a nuclear policeman is no excuse for appointing the Russians as policemen instead.

If this analysis is correct, the US must answer two questions, neither of which is normally faced by English unilateralists. First, if the Russians launch a nuclear attack on us, will the prospects for the human species or for America be improved by nuclear retaliation? Second, if nuclear war is inevitable unless some kind of disarmament agreement is reached first, how long dare we wait before we reach some compromise? Are we likely to get more or less of what we want by negotiating until 1965 or 1970 or 1980 – always assuming that the day of reckoning doesn't come before then? These are not easy questions, and it is a pity that we cannot get much help outside America in answering them. But they are questions which are rarely discussed in England, and if they are discussed in Russia, the answers reach us only in indecipherable form.

Israel's Right To Try Eichmann

by George R. Parsons, Jr.

The extent to which the municipal laws of a state extend outside its territory is a fundamental question in international law. With respect to criminal law in particular, the problem raised specifically by Israel's trial of the Nazi war criminal, Adolf Eichmann, is whether a state may punish individuals for crimes that were committed outside its boundaries.

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On May 11, 1960, Eichmann was abducted from Argentina by Israeli "volunteers." He was then transported to Israel, where he has been indicted for, among other things, crimes against humanity and war crimes. Although he is arguably guilty of the crime of genocide, he is not being tried under Israel's Genocide Law because this law is not retroactive.

Instead, the applicable statute is the Nazis and Nazi Collaborators (Punishment) Law of 1950, which pro-

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vides that a person who has committed an act constituting a crime against the Jewish people, a war crime, or a crime against humanity during the period of the Nazi regime is liable to the death penalty. The Law makes a person who commits crimes against persecuted persons in an enemy country liable to the same punishment "to which he would have been liable had he committed the act in Israel territory." Eight counts of the indictment against Eichmann charge him with the planning and supervision of the extermination of six million European Jews during World War II. Four counts concern the killing of non-Jewish Europeans.

This discussion of the legality of Israel's jurisdiction over Eichmann is not concerned with the effect of Israel's possible violation of the sovereignty of Argentina, for Argentina has declared any dispute with Israel to be closed in accordance with the United Nations Security Council Resolution of June 23, 1960. Also, whether Eichmann himself could challenge Israel's jurisdiction on the basis of his abduction is doubtful. For example, it has long been held in England and the United States that a person brought into the jurisdiction of a country in violation of international law cannot question the right of its courts to try him.

Ordinarily, a state has jurisdiction over any crime committed in whole or in part within its territory, but as the World Court said in 1927, "Failing a permissive rule to the contrary, [a State] may not exercise its power in any form in the territory of another State." Therefore, in order to sustain Israel's right to try Eichmann, it is necessary to find support in a "permissive rule to the contrary." One exception to the territorial limitation on jurisdiction is the *nationality principle*, which provides that a state has jurisdiction over its own citizens or nationals who commit crimes outside its territory. Clearly, this principle is inapplicable to the Eichmann case, for he is certainly not an Israeli citizen. However, three other theories of international law have been urged to furnish further support for Israel's jurisdiction over Eichmann.

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One such theory, the *protective principle*, permits a state to try criminals, including aliens, for crimes committed outside its territory against the security, territorial integrity or political independence of the state. For example, this rule has been applied to sustain the conviction of a foreigner who had committed perjury before an American consul in Poland. But the protective principle does not justify Israel's jurisdiction because Israel did not become an independent state until 1948. Even if it is conceded that Israel is the successor of a state that existed as a British mandate, Eichmann's crimes did not affect directly an Israeli *national* interest.

Some have suggested that Israel has jurisdiction to try Eichmann under the *passive personality principle*, which allows a state to assume criminal jurisdiction over a person, including an alien, if his victim is a citizen of that state. This theory has been generally discredited on the ground that no person should be subject to different laws every time he deals with a citizen of a different country. This principle is very rarely the sole basis of jurisdiction. Even if the theory could be invoked, Eichmann's victims were not Israeli citizens.

The last recognized theory of jurisdiction, the *piracy principle*, is applicable to the Eichmann case. It permits a state to capture and punish any alien whose crime constitutes piracy as defined by international law. Four reasons for universal jurisdiction over a pirate should be explored. Judge Moore in the internationally famous *Lotus* case wrote: "Piracy by the law of nations, in its jurisdictional aspects, is *sui generis*. Though statutes may provide for its punishment, it is an offense against the law of nations; and as the scene of the pirate's operations is the high seas, which it is not the right or duty of any nation to police, he is denied the protection of the flag which he may carry, and is treated as an outlaw, as the enemy of all mankind – *hostes humani generis* – whom any nation may in the interest of all capture and punish."

In 1826 Justice Story indicated that the jurisdiction is universal because pirates are the "common enemies of all mankind and, as such, are liable to the extreme rights of war."

Judge Moore may have suggested a second reason when he said that a pirate is "treated as an outlaw." In England, an individual who had been accused or indicted for a felony or treason and who eluded capture could be deprived of almost all his civil rights in an outlawry proceeding. The flight of the accused was considered an admission of guilt. Once labeled an outlaw, his property was confiscated, and he could be captured and killed by anyone. The same effects attach to piracy, for an act of piracy causes the pirate to lose the protection of his home state.

A third reason is that since piracy is everywhere made a crime, any state can acquire jurisdiction. In

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1926 the Rumanian jurist, Vespasian Pella, argued: "*Absolute piracy* . . . is regarded today as an offense of a special character because it is *punishable wherever encountered.* We already see here in embryo the principle – which in future social relations will become the practice – of penalizing throughout the world violations of laws which are common in every country." This opinion of M. Pella is not orthodox, but there has been some support for it.

Probably the best of the four reasons for universal jurisdiction is the potential danger of pirates to every mercantile state. The best protection for a state would be to apprehend the pirate before he commits crimes against its ships or citizens. The same reasoning applies to extending the piracy principle to a *universality principle,* which would include, as some writers have stated, not only such crimes as slave trade, traffic in women, children, narcotics and pornographic literature, but also war crimes and crimes against humanity.

International Crimes

War is the most disruptive social force that society can experience. Yet at the beginning of the 20th Century, engagement in war was a good defense to what would otherwise be a crime. Because of the early assumption that an individual was not responsible for acts of war, there had been little development of rules of international law applicable to war crimes. Domestic criminal law was not designed to protect a state from the effects of war. Although states have always captured and punished brigands – bands of marauders owing allegiance to no state – it is doubtful that brigandage is the same crime as the modern war crime.

However, after World War I, it had become apparent that the old attitudes were archaic and obsolete. Different groups of nations declared the waging of war to be an international crime. Between the World Wars the League of Nations in the Geneva Protocol, the Sixth Pan-American Conference, and the Kellogg-Briand Pact renounced war as an instrument of national policy. The concept of individual liability for war crimes was established in the Moscow Declaration, which pledged to return Nazi war criminals to the countries where their crimes were committed and to punish those whose crimes had no geographical location "by a joint decision of the Governments of the Allies." This pledge was carried out in the Charter of the International Military Tribunal of August 1, 1945, which established an unprecedented judicial tribunal for the punishment of crimes against peace, war crimes and crimes against humanity. In 1946 the principles and judgment of Nuremberg were unanimously endorsed by the United Nations, constituting an important legal precedent.

Israel's Nazis and Nazi Collaborators (Punishment) Law is an extension of the precedent set by the Nuremberg trials. Israel's definitions of war crimes and crimes against humanity, for example, are similar to those in the Charter of the International Military Tribunal. Also both Israel's Law and the Charter are retroactive. But the Law differs from the Charter in its extraterritorial application. The question is whether the piracy principle should be expanded to justify this extraterritorial application, whether this principle ought to include war crimes and crimes against humanity as a basis for universal jurisdiction. Should the war criminal be an "enemy of the human race" or an outlaw, every state has an interest in the punishment of war crimes, since the waging of war can very easily have global effects. The desire to protect this interest was made specific when the United Nations Security Council stated that people in all countries were anxious that Eichmann would be brought to justice.

Some writers have suggested that war crimes and crimes against humanity should be tried by the international community, represented by an international tribunal, because such crimes are directed against the "common conscience of mankind." But the United Nations has never enacted the proposal to establish the permanent International Criminal Court, and to reestablish an international tribunal would probably be a political impossibility for the former Allies.

There are some practical reasons in support of Israel's jurisdiction. Three hundred thousand survivors of the Nazi extermination camps are living in Israel who can provide testimony. Three research institutes which have done extensive documentation of the Nazi policies are located in Israel. Although evidence may be easily available to the prosecution, the defense may find it difficult to obtain witnesses, since ex-Nazis might not risk coming to Israel to testify for Eichmann. On the other hand, if the trial were held in West Germany, that country might not be able to act impartially for fear of having to face the charge of showing leniency toward Nazis.

Under ordinary theories of jurisdiction, Israel does not have the right to try Eichmann because he did not commit his crimes in Israel, he was not an Israeli citizen, his victims were not Israeli citizens, and Israel was not a sovereign state when the crimes were committed. By an extension of the piracy principle to include war crimes and crimes against humanity, however, Israel has jurisdiction. International law is founded on custom and convention, but in certain situations few precedents exist. At such times morality and justice must be the determining factors. It would seem that the state with the greatest moral right to try Eichmann would be Israel. As Justice Cardozo has written: "International . . . law has at times . . . a twilight existence during which it is hardly distinguishable from morality or justice, till at length the imprimateur of a court attests its jural quality."

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STIMSON

One Adviser Remembers Another

Like Alexander, who disdained to surprise his enemy by attacking at night, Henry L. Stimson was prone to accept the direct challenge. As Churchill once said of him, "Stimson was always pressing us to storm the main gate" – and so he was. It was this forthrightness, and direct manner, that made many of those who worked with him envy the apparent certainty with which he made his decisions – the seeming ease with which he could distinguish the right way from the wrong way to do a thing. Arguing with him was not easy; for somehow in differing from him, you had the feeling that your argument was a trifle shoddy or unworthy – even touching on the immoral. Virtue had a disconcerting, though unostentatious, way of appearing behind his chair in the course of the argument.

During the entire war, Mr. Stimson kept just behind his desk chair a set of the collected papers of Elihu Root. They were bound in red, could be reached with a turn of his chair, and they were frequently referred to. I shall never forget the time when I, somewhat impatiently, was seeking a prompt and necessary decision in order to get on with the matter at hand – when he turned in his chair to select one of the familiar volumes, with the remark that Mr. Root had once had something to say on the principle which he thought should guide the decision. I blurted out that I did not think a reference to Mr. Root's collected papers was going to give us much help in the press of today's war – and that Mr. Stimson's own experience and judgment would be much more reliable than a reference back to one who, however wise, had not been subjected to any of the forces with which we were then dealing. I think if I had slapped him in the face I could not have received a more outraged reaction. Mr. Stimson's wrath could be Jovian, but there was nothing God-like about his mood as he wheeled around in his chair toward me.

The pack train, the camp fire, the Boone and Crockett associations, the strenuous life, the lonely appeal of the wilderness, all these he enjoyed in his own right: but running through them all was an admiration, if not a conscious emulation, of Theodore Roosevelt. Stimson had an old Sharp's rifle, the Buffalo killer of the West. He used to call it "Old Roary," and it had a terrifically large bore. According to his old hunting companion, it shot a mile in both directions at once – it could knock over a grizzly, and lame your shoulder for a week with one blow. Once, in going over some old memorabilia with me, he dug up a picture of Theodore Roosevelt taken on one of the latter's early Western trips and he pointed with particular pride to the fact that Theodore Roosevelt was carrying a Sharp's rifle.

During periods of relaxation, Mr. Stimson would now and then contrast the war-time Roosevelt with Theodore Roosevelt, but never to the disparagement of either. . . . I recall once asking whom of all Presidents he had served under he felt was the greatest. There had been Theodore Roosevelt, William Howard Taft, Herbert Hoover, Franklin D. Roosevelt and Harry S. Truman. After some thought, and warning me that he was not suggesting who was the most efficient President, or the finest man, he said that he could be sure of only one thing – that, in his opinion, the name of the greatest would be Roosevelt, largely because greatness in leaders was usually associated with those who honestly and fully enjoyed the exercise of power – an attribute which neither Roosevelt conspicuously lacked.

The large number of Presidents with whom he had been associated never altered the respect which this elder statesman had for the President – both the man, and the office. Each visit to the President he treated with great seriousness. He looked upon it as an important opportunity to influence policy and action – and it should always be treated as such. Casual or frequent approaches to the President did not interest him as they do so many in government. On the day before he was to see the President, all were excluded from his room except those he specifically sent for. He got out his yellow pad and carefully noted his points and arguments, rehearsing them as would a good lawyer before an important argument.

I used to think he overdid it; but it is interesting that only the other day I was asked to come to the White House for the first time after the new Administration took office to discuss with the President the problem of the resumption of negotiations over the nuclear test ban. I was glad of the opportunity, but I felt rather well prepared to speak on the subject and thought no more of it. That night, I suddenly recalled Mr. Stimson's routine when a meeting with the President was impending. I promptly reached for a yellow pad and worked late into the night on my notes and the next day, after the meeting, I was very glad I had.

JOHN J. MCCLOY

From an address on the occasion of the dedication of Stimson House, Phillips Andover Academy

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A Philosopher Looks at Politics

by William Lee Miller

In this increasingly specialized world, one sometimes gets the impression that none of the specialties feels that it is really understood: the other fellow never has met our particular payroll. The man in the field says the man in the national office doesn't know what it's like down here in Scranton; the man in the national office says that the fellows out in the sticks don't get the larger picture. The intellectual says the businessman cannot seem to get a subject and a predicate into the same sentence; the businessman says these intellectuals couldn't be trusted to go to the corner for a loaf of bread. The humanists say the scientists have no literary and humane understanding; the scientists, with C. P. Snow, complain that the humanists haven't the dimmest glimmer of what science is about. Journalists speak with disdain about the "double dome" "think piece" stuff, done in "academic" jargon by "pundits"; for professors, on the other hand, the word "journalistic" is an epithet. And so on.

The Future of Mankind
by Karl Jaspers,
(Chicago; $5.95)

Perhaps the most fundamental of all of these quarrels among the specialties and diversities of men is one that goes way back: the one between the purely speculative and the purely practical inclination in man, represented by the philosopher, on the one hand, and the practicing political man, on the other. They have never really liked each other.

Spinoza got the point about what is wrong with his philosophical fraternity, in the eyes of political folk, when he wrote that "philosophers conceive men not as they are but as they would wish them to be . . . they have never produced a political theory which is to any use . . . no men are thought less fitted to govern a state than theorists or philosophers." On the other hand, Aristotle would observe – unless I have the quotation confused – that politics does not have as much intellectual juice in it as poetry. Burke – that favorite thinker of serious and sensible practical politicians – has complaints against "metaphysicians" all through his writing. And to round things off, a high appointee in the Kennedy administration was recently heard to say – after a meeting with some academic philosopher types – "what can one learn from all these long hairs?"

Now, here's a book about the present political situation by a philosopher, and a German philosopher at that. One therefore approaches it warily, expecting huge, abstract, and irrelevant generalizations. To one's surprise, however, the book turns out to be a good book about politics. Dr. Jaspers does not pretend to be substituting his work for that of the practitioner. He does not imply that he and his fellow philosophers think the large general principles which the vulgar-technicians down at a mundane level can then can apply to specific events; the book is free from the kind of pretention and pride that often afflicts high theorists. Instead, he says: "a teacher of philosophy must know his limits." He does not try to come up with specific solutions to political problems; he proposes no policy, "bold, new," or otherwise. The question the practical politician instinctively asks of such a book – what does he say we should *do*? – receives no answer, or at least no answer of the kind the practitioner expects.

Though Jaspers is better informed, and more realistic and serious, about concrete and immediate policy problems than many philosophers, he nevertheless develops a central theme that contradicts what operating political men ordinarily believe. The theme is the need for a "new man," a "change in man," a "new way of thinking," to deal with the novel situation created by nuclear weapons (a situation that he takes as the starting point of his book, and defines in the starkest terms: man now has the capacity to destroy all human life, and – barring the kind of ethical change he calls for – will probably do it). He says, "either all mankind will physically perish or there will be a change in the moral-political condition of man." He says "this inner change could spread through mankind like a wave." Against what most political activists would say, he says "it is not enough to find new institutions; we must change ourselves, our characters, our moral-political wills." To a political person (perhaps especially an American political person) this may sound suspiciously like the pietistic or spiritualistic avoidance of politics – the kind of thing, familiar for example in evangelical religious circles, that says that man must change "within," individually, and then the political problems will "take care of themselves." Perhaps Jaspers is giving us something like a sophisticated version of that idea, but he does not use it, as the vulgar versions do, to avoid, condemn, or neglect the political problems themselves. He offers an intelligent treatment of concrete problems of the Western alliance, of German unification, of the relation of Russia to the United States and of both to China, of colonialism and its end, and so on.

Still, the political man may want to quarrel with Jaspers, because despite his responsible attention to political questions his overarching theme may seem – if not wrong – misstated. No doubt it would be good to have an inner, ethical change sweeping like a

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wave across mankind (if it were a change in the right direction, that is) but the politician's problem is not to deal with men as one "would wish them to be," but with the old, real, present, unchanged men. And there is a real question, anyway, whether explicit exhortations to spiritual change in general – in the abstract – are the way to bring the same about; radical inner changes do not ordinarily come from devotion to spiritual change itself, but rather from specific loyalties, commitments, and faiths.

Dr. Jasper's book may be criticized by politicians not only for this emphasis upon inner change, but also for its polemical or hortatory use of the threat of the atom bomb. The whole book is shaped by the "new fact," the possible destruction of all mankind: mankind as a whole can be wiped out, and this result is not only possible but probable. "If a new world war comes, atom bombs are sure to fall." If an atomic holocaust is to be averted, no world war must break out. Every little war threatens to set off a world war. So there must be no more war." He tends to sweeping statements about the bomb and about war that do not help in managing the problem with respect to them, because they are shaped more for their effect in an argument than for the exact and proportionate assessment needed for political action.

The American who is interested in politics will note that Jaspers has in him no hint of the neutralism or anti-Americanism so often characteristic of profound continental intellectuals; on the contrary, he has quite surprising and even unsettling statements about the degree of responsibility that rests with the American nation. "Every Westerner," he writes, "has, in a sense, two countries: the country of his heart, his origin, his language, his ancestors, and one that is the sure foundation of his political reality. Those fatherlands are many, but this foundation is today only one: the United States of America." Again, he says: "In America – today the area of decision in the world of political reality – I hope for the old, pious, morally radical forces."

Dr. Jaspers has the right combination, it seems to me, of condemnation of the totalitarian principle, and of the evils that principle introduces into Soviet and Chinese society, together with a recognition that no principle exhausts the reality that any great society represents. He is free of any ambiguity in his commitment to the West and to freedom and in his rejection not only of Communism but also of neutralism; at the same time he can write imaginatively about the historical evolution of the great Chinese people, who may be absorbing and using the totalitarian principle in their history in a way different from Russia and Germany: no Stalin or Khrushchev or Hitler could have written the poems Mao Tse-tung has penned. He can write with imagination about the primitive Genghis Khan impulse that flashed out in Khrushchev's grim statement, "We will bury you," and at the same time see that such an impulse does not tell the whole truth about either that man or his society.

Not all of his political discussion evokes agreement: he both has hopes that are too high for the United Nations, and then is too grim in condemning the "falsehoods" that its compromises represent. There is a rather unpolitical legalism in his alternate praise and condemnation of sections of the Charter. But, especially when he is thinking his way deeply into the human realities of the political situation, his comments are illuminating. He is at his best, of course – as is appropriate to a philosophical fountainhead of existentialism – in criticizing our modern technological mind: "Our time thinks in terms of 'knowing how to do it' even when there is nothing to be done. We want to find salvation in a technological conquest of technology . . . our thinking is not wholly serious until we come to the end of our 'know-how.' Our age must learn that some things are beyond 'doing'." Perhaps that is what politicians most need to learn from philosophers, here and now.

A *Lodging for the* Night

Verona was always arduous. The station is colossal
and next to nowhere. No room in any hotel, they told us.
We stood stupidly in the vast halls, and the train was gone

into midnight. A fat dubious man and a sober thin one
murmured, it's the opera season, but spoke of a lodging,
bellissima, altogether respectable. They teetered the suitcases

one the handle-bars of a bicycle. Walking half in our sleep
we trailed them past silent crowds of men sitting asleep on
baggage, or brushing their teeth into the empty cabstand.

We dreamed along dead beat down the bright enormous
desolate street. From a cafe a woman in a Garbo raincoat
got up and followed us a few steps shaking her head. It all came

out of some modern Italian movie. We shambled under
a gate, across a court. There was a clean shabby hallway,
an old woman and a little girl. I have no idea where they

slept. Our chamber was huge, the bed eight feet
wide, and hard as we lay and watched where on the dresser
across the room, a doll, large as a child, staring with solemn

eyes waved forever still in the air her waxen expensive fingers.

RICHMOND LATTIMORE

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MOVIES

With Negroes in Suburbia

In a negative way *A Raisin in the Sun* and *Take a Giant Step* are milestones in the social history of the American Negro. Both films are shoddy, and the happy fact is that today there is no compunction to praise them simply because they are well-intended works by Negroes. Too much has been ac-

A Raisin in the Sun (Columbia)
Take a Giant Step (United Artists)

complished in the artistic life of our country by such people as James Baldwin, Ralph Ellison, Richard Wright, Gwendolyn Brooks, and Langston Hughes (to name only a few) to permit patronization of these motion pictures because they happen to be by and about Negroes.

A Raisin in the Sun is a film transcription (not really a film adaptation) by Lorraine Hansberry of her successful play and is – with one exception – excellently acted. It is largely the excellence of the performance that makes it the better of these two films. As for the script itself, Miss Hansberry's dialogue is generally commonplace and occasionally ludicrous, her perception of character is on the level of Samuel French's catalogue of amateur plays, and her sense of structure is primitive.

She tells the story of a poor Chicago Negro family – matriarch, unmarried daughter, married son and wife and child – and what they do with a $10,000 insurance benefit. The son wants to open a liquor store with some friends and free himself of his humdrum chauffeur's life; his sister wants to become a doctor; the mother wants to give the family a real home. The mother outrages her son by disregarding his ambition, but after she has paid a deposit on a house and put some money away for her daughter, she gives the remainder to the son for safekeeping in order to confirm her trust in him. He then tells us at length about the rosy future he will secure for himself and all of them; however, as anyone knows who has seen a long line of plays from *Juno and the Paycock* to *Toys in the Attic*, the expectation is being grossly inflated just to be deflated. He is – of course – cheated and left penniless.

Matters are not left there. The bulk of the play is garden-variety, lower-class domestic drama. Except for the daughter's Nigerian suitor and the superficial discussion of Negro modes of thought that he provokes, this could be, up to this point, any John Golden suburban play of the twenties transferred to a Negro setting. Now the author, running out of plot and determined that her story shall not only be about Negroes but about race problems, brings us to the barricades. The house on which the mother has paid the deposit is in a white neighborhood, and predictable trouble ensues.

When the daughter-in-law said that there were no colored people in the neighborhood, my reaction was that the mother must be an idiot not to foresee trouble. I see now that the printed stage direction for the line in which she shrugs off the news is: "(Almost idiotically)".

A pussy-footing white man comes from Clyborne Park to buy them off. He is rejected angrily. But after the son has been cheated by his Negro friend, he decides to exploit the viciousness of the whites and sends for the white agent to accept the pay-off. Then – for some completely unexplained reason and after he has expatiated about how he has learned to be a "taker" in this world – he suddenly turns noble and spurns the bribe; they all go off to live in the white community and take their chances.

All this is set in a context of blatantly contrasting sudden entrances (*e.g.*, a conservative young suitor walking in while sister and brother are dancing wildly *à la Africaine*); arbitrary, dizzyingly swift changes of subject and mood as the author struggles to knit her various plot-strands together; a series of mechanical climaxes (every scene ends with its pat little explosion); and gems of dialogue like "Now you say after me, in my mother's house there is still God." Or "He finally come into his manhood today, didn't he? Kind of like a rainbow after the rain. . . ." Or pseudo-poetic strophes like "We a people who give children life, not who destroys them." (What people *don't* give their children life?)

As the son, Sidney Poitier – tigerish, impassioned, moving with a marvelous sense of dramatic rhythm – enlarges the play; gives it an agony that is almost too big for it and stretches it at the seams. Ruby Dee is touching as the wife whose marriage and love are being corroded by her husband's frustrations. Diana Sands as the sister and Ivan Dixon as the Nigerian student are always interesting. As the mother Claudia McNeil gives us minstrel-show faces and stock-company thunder, and, to any matriarchial dignity left in her, applies a self-conscious touch that strikes it dead.

A Raisin in the Sun is to Negroes what *The Rise of the Goldbergs* was to Jews: a facile vaudeville of "true" characteristics intended to prove that "they" are just like us. "They" quarrel about who is going to use the bathroom first in the morning, just like us; "they" are surly before breakfast, just like us. All men are herein made brothers by the universal refusal of wives to serve anything but scrambled eggs every morning.

It is supposed to be a critic's duty to report that an audience's reaction was different from his own when that is

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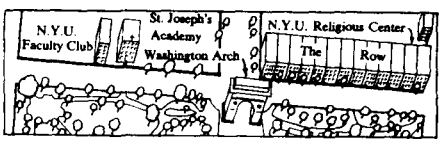

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the case. I don't recognize that duty but will nonetheless report that the huge audience around me enjoyed itself thoroughly. In fact the loudest laugh – immense and resounding – came on the line that the son addresses to the rich suitor: "Where'd you get those faggotty white shoes?" The laugh was almost equalled when he repeated the word "faggotty" a few seconds later.

I have now fulfilled my critic's duty.

Take a Giant Step (also adapted from a Broadway play) is about a Negro boy who discovers as he reaches adolescence that his white friends are abandoning him and who goes through a crisis including an innocent session with a prostitute. The concept and writing are straight out of the Golden Age of Television (1950-58) and, except for the same Ruby Dee, it is very badly acted and directed. It is not worth the time of anyone, Negro, white, Oriental, or Martian.

STANLEY KAUFFMANN

ART

Rivals in Academic Mediocrity

In these times of change and decay it is reassuring to attend the annual exhibition at the National Academy of Design in New York. There is no change; and decay, if it has not been eliminated, has at least been arrested.

The most important reassurance available at this year's show (the 136th) is that mediocrity is not the monopoly of Abstract Expressionism. So much of the vogue painting of the fifties was so aggressively mediocre and all of it took up so much wall space in so many museums, one could easily conclude that all the mediocrity in art had devoted itself to *schmeering*. The exhibition under review is a timely reminder that this never was so and certainly isn't now. There are as many dedicated hacks in the old Academy as there are in the new.

There are differences, of course. As far as I've been able to make out, the only rule of the new Academy of Schmeerkunst is that there are no rules. This can become pretty onerous, just as determinedly free discussion and opinion-formation in the elementary grades can make the child long for something as fixed as a list of dates to memorize. The results, in contemporary Academic painting, are well known. The pressure is to form one's own, individual manner, an instantly recognizable "look" that belongs to no one else. For the regiments of hacks in the movement, this has meant putting together a new look from the drips and drabs of several of the leaders. For the few leaders it has meant a genuinely new look, one which its author is constrained to paint over and over again, lest he lose his identity.

In the old Academy, everything is different. For one thing, there are no leaders and consequently there is no follow-the-leader. The old Academy today possesses virtually no power in making reputations or in dictating styles of art. Election to the National Academy of Design is a simple honor given an American artist by his peers; it comes long after he has given solid public assurances of what he has in him and what he can do with it. But in spite of all these advantages, the Academy annual produces almost the high-proportion of mediocrity as do the surveys of Abstract Expressionism so regularly undertaken by other museums.

In the front of the Academy catalogue appears the legend: "The National Academy plays no favorites among 'styles' or attitudes toward art but believes in exhibiting the best of all that has obtained the sanction of the artistic fraternity."

This same sentiment, sometimes almost word for word, could be found in the catalogues of most of the big provincial exhibitions which still carry on as if painting began with Jackson Pollock and not a moment before. Yet the provincial shows exhibit nothing but bush-league Abstract Expressionism; the Academy painting section is unaware that New York painting of the 1950's ever took place at all. In neither case is there any point in questioning the sincerity of the sentiment so oddly applied. The key line in the Academy's sentiment is "all that has obtained the sanction of the artistic fraternity." The provincial nothing-but-Abstract Expressionism set up is rarely that honest, but the same modification is clearly operating. The only question is which fraternity you belong to.

It is possible to walk quickly through the Academy show and emerge with the impression that – except for a few pictures – the work on view is the same as that doggedly exhibited by groups of businessmen seeking therapy or housewives trying to fill up the long days when the children have left. The impression is misleading. The vast majority of the work on view is actually executed with the kind of technical competence that was hooted out of our art in the fifties. Paint is applied with respect for its physical limitations, and in almost every picture there is a discernible formal composition. Most of the canvases represent but the simple effort to capture the most superficial resemblance to subject. The pictures are the kind that people used to hang in their living rooms purely from an interest in the subject represented, totally without regard to the larger rewards of art. The paintings look amateur not because of their technique but because of their limited aims. The Academy pictures, for the most part, are amateur pictures painted by professional artists.

Yes within this melancholy setting are exhibited new works by a handful of American artists whose varied achievements demonstrate it is still possible for art to say something in a language understood by non-specialists. In the case of the top award winner, Jules Kirschenbaum's "Woman with Fighting Dogs," one almost feels the prize jury made its choice in rather embar-

NOTES ON CONTRIBUTORS

William Lee Miller, *who teaches social ethics at Yale Divinity School, is on leave at the Center for the Study of Democratic Institutions in Santa Barbara.* Richmond Lattimore, *professor of classics at Bryn Mawr and a distinguished editor and translator as well as a poet, is spending the year in Greece.*

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rassed awareness of the amateur-professional peculiarity of the bulk of the show. For of all the pictures on view, the Kirschenbaum is the one most obviously trying to say something beyond the superficial looks of things. Or perhaps it's simply trying to look as if it's trying to say something. In the clear, chill light that is a specialty of the painter, a wounded or dying woman lies in the grass of a park, like a fallen monument lighted in lurid tones. The dogs of the title are in front of her. A man runs into the background toward a mildly Renaissance façade; to the right, another man snoozes through it all. The painting is deliberately repulsive without successfully giving much evidence of what it has to be repulsive about.

For me the stand out painting here is "November Frost," by Alexander Brook. The large, deceptively quiet landscape features an old house near the water, flat land, an immense and very subtly painted sky full of cloud. Out of these elements Brook, one of the most accomplished and bafflingly underrated Americans now at work, has created a miraculous fusion of a sense of place, a precise moment in the year, a complex human response to those, and a handling of paint that somehow embodies those three other things without losing a life of its own.

Frank Getlein

RECORDS

Some Notable Releases

A notable release in the Great Recordings of the Century series, Angel COLH-73, gives us the Scarlatti harpsichord sonatas that Landowska recorded in 1934. They include some of the best known and some that are unfamiliar; some that are fascinating and exciting in their seemingly inexhaustible invention, their harmonic daring, the tension and power of the ones in slow tempo, the verve and brilliance of the ones in fast tempo; and a few that are less interesting, among them Longo No. 257, which Landowska, in her rhapsodic comments, pronounces "one of the most beautiful and significant of all." The pieces are enlivened by the sharp inflection, the tension, the plasticity of the performances, whose recorded sound needs stepping up of treble and bass and reduced volume. Some come off the record with wow.

Several pieces by Chopin – the Fantasie Op. 49, Scherzos Nos. 1 and 4, Mazurkas Op. 24 No. 4 and Op. posth. in A minor – are on Epic LC-3744 (mono) and BC-1108 (stereo), played by the Polish pianist Harasiewicz with the unmannered elegance and grace of his earlier performances and with tone that is reproduced this time without the earlier hardness.

One of Prokofiev's finest works, his Piano Concerto No. 3, is performed by Van Cliburn with the Chicago Symphony under Walter Hendl on RCA Victor LM (mono) and LSC (stereo) 2507. The opening movement and the final crescendo have the brilliance they call for; in the middle movement and the beginning of the finale Cliburn sets deliberate tempos which he makes effective with his unfailing sense for continuity and shape of musical phrase. One wishes he had applied this musical sense, on the reverse side, to Mozart's Concerto K. 503, disproving the critics' contention that this was music he did not know how to play; instead he applies it to MacDowell's D-minor, an American work in the Romantic concerto style, enabling them to persist in their contention that this is the only style he understands.

Meanwhile Mozart has been recorded by other pianists whom the critics consider expert. Columbia ML-5594 (mono) and MS-6194 (stereo) offer the Concerto K.488, which has a first movement with some of Mozart's most poignantly lovely invention, one of his affecting slow movements in minor, and the supreme example of his incandescent perpetuum-mobile finale – breath-taking in its profusion of ideas, its momentum, its strokes of surprise and humor. Robert Casadeseus plays in the first two movements with unvaryingly pallid tone and insipid style, and in the finale only a little more loudly – all this in contrast to Gieseking's enlivening inflection even in his small-scale playing on Columbia ML-4536; and Casadesus' performance is heard in a stiff, graceless orchestral context provided by Szell with a recording orchestra, as against the sensitive playing of the Philharmonia under Von Karajan with Gieseking. Casadeus exhibits more energy in parts of the Concerto K.482 on the reverse side, but insufficient awareness of some of the happenings in the slow movement.

Nor does Rosina Lhevinne – in her performance of the Concerto K.467 with the Juilliard School Orchestra under Morel on Columbia ML-5582 (mono) and MS-6182 (stereo) – achieve anything like Schnabel's forceful articulation of the sustained melody of the extraordinary Andante, his sharply inflected playing in the Allegros, on Angel COLH-67.

On the other hand the young violinist Jaime Laredo, on Victor LM (mono) and LSC (stereo) 2472, gives us a buoyant performance of the delightfully high-spirited first movement of Mozart's Violin Concerto K.216, and a beautiful realization of the long flow of sustained melody in the Andante, with the National Symphony under Howard Mitchell. The reverse side has Bruch's G-minor.

A few of the unfamiliar works of Vivaldi that we have got to know recently have been very fine; but others have turned out to be disappointingly uninteresting; and I must report this concerning the twelve violin concertos of *La Cetra* that are performed well by Paul Makanowitzky with a Vienna State Opera group under Golschmann on Vanguard BG-607/9 (mono) and BGS-5033/5 (stereo), and also the four concertos for two violins that are performed dazzlingly by Issac Stern and David Oistrakh with Philadelphia Orchestra strings under Ormandy on Columbia ML-5604 (mono) and MS-6204 (stereo).

As for more familiar matters, Capitol

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G-7229 (mono) and SG-7229 (stereo) have a good performance of Beethoven's Violin Concerto by Menuhin with the Vienna Philharmonic under Silvestri; and Grumiaux contributes his technically brilliant and musically distinguished playing to a performance of the Tchaikovsky with the Amsterdam Concertgebouw under Haitink on Epic LC-3745 (mono) and BC-1109 (stereo).

The recent Angel *Don Giovanni*, which – in the face of the condescension and outright dismissal it received from some of the reviewers – I maintain is one of the great performances and recordings of the century, caused me to listen with anticipation of similar excellence to the new *Marriage of Figaro* on Angel 3608 (mono) and S-3608 (stereo), which was recorded by the same conductor, Giulini, with the same Philharmonia Orchestra and with three of the same principals – Schwartzkopf, Waechter and Taddei. And it turned out in fact that Giulini's pacing of the work, and the playing of the incandescent orchestral part under his direction, were again very fine; but the orchestral comment could not be heard as clearly with the singing as in the *Don Giovanni*. Moreover the *Don Giovanni* had a cast which sang every important role except Leporello better than it was sung in the famous pre-war Glyndebourne Festival performance; but the *Figaro* had not only the fine voices of Schwarzkopf as the Countess, Waechter as the Count, and Moffo as Susanna, but the worn voice of Taddei as Figaro and the dry and edged voice of Fiorenza Cossotto as Cherubino. And much of the singing suffered from an exaggerated pointing up of dramatic expressiveness. Schwarzkopf's *"Porgi amor"* and *"Dove sono,"* Moffo's *"Deh vieni non tardar,"* and their Letter Duet were straight and very beautiful; but in the first two acts Moffo often sang in a kittenish staccato style that is not heard in her earlier performance of *"Venite inginocchiatevi"* on Angel 35716; her duet with Marcellina carried cattiness to excess; and much of the time Taddei's and Waechter's singing became a sneering and snarling – all this presumably in obedience to Giulini's direction. I would say that the performance to acquire of this most marvelous of Mozart's operas is still the one on Victor LM-6408.

B. H. HAGGIN

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Correspondence

The Community of Fear

Sirs:

Brief comment cannot touch on all the important points raised by the stimulating interchange between Robert W. Tucker, Bertrand Russell, M. H. Ferry and the authors of *The Community of Fear*. But in one, at least, Mr. Tucker has Lord Russell on the hip. The latter's suggestion that "a neutral Britain could draw up a comprehensive draft [disarmament] treaty between Russia and America which should aim at giving no net advantage to either side"; that such a treaty "could be accepted by both sides without a loss of face," and that both would enter the conference with "no reason to suspect [the draft] of containing traps for the unwary," borders on the fantastic in the long history of would-be neutralism.

Shades of Woodrow Wilson (1916): "We must keep our thoughts untouched by that flame [of war] in order that we may be in condition to serve the restoration of the world, the healing processes"!

Shades of E. M. House (December, 1914): "The President desires to start peace parleys at the very earliest moment, but he does not wish to offend the sensibilities of either side"! And of many, many more in those confused years. The United States may have replaced the Britain of 1914 as the mainstay of one side in a bi-polarized situation; but it is odd to see Lord Russell now casting Britain in the 1914 American role, which we found it so impossible to fulfill. In our lamentable fumblings we at least had the excuse of naïveté. It is hardly valid any longer.

Walter Millis
Glen Head, New York

Laqueur Among his Colleagues

Sirs:

Walter Z. Laqueur's aside, halfway through his recent article, "Soviet-American Relations" (February 27) about Wright Mills and Isaac Deutscher wanting "us to believe that Russia is, or soon will be, the freest country on earth" strikes me as being singly the most inept sentence printed in *The New Republic* in the last year. It is not as rich as *The National Review's* best stuff, of course, but if this keeps up I predict that *The New Republic* will be giving Buckley's sheet strong competition for the prime position in garbage cans all across the country.

I wouldn't mind if Laqueur directed his scorn at the more naïve "friends of the Soviet Union." But he has to pick on two men whom I at least regard as among the foremost theoreticians of our time. Deutscher, in my opinion, has definitely emerged as the foremost analyst of Soviet Russia. While he is no friend of the West, I believe that his objectivity is unquestionable. Not only was he the only writer who called the turn correctly on the Soviet thaw; but his anthropological interpretation of Stalinism comes the closest of any that I know of rendering this still rather amazing phenomenon to be rational. In addition to this, Deutscher's early essay on Orwell (published in 1949, I believe) reads like a blueprint of the more recent "Orwell Reconsidered" type things we have been seeing everywhere recently. Now, I find it hardly possible to believe that Laqueur does not know all this, so I can only interpret his reference to Deutscher as being merely the pure spite of a second-rate writer for one of the first rank; perhaps with an undertone of the type of Menshevist hostility that I, for one, find both useless and boring.

If Laqueur's reference to Deutscher is

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mere pettiness, his reference to Mills is more difficult to understand. . . . Mills has repeatedly emphasized that Russian intellectuals do not have freedom as a way of dramatizing the fact that American intellectuals *do* have it. In fact this insistence of Professor Mills, to my mind, has come very close to being the central thesis of his recent work. It is stated again, in case Mr. Laqueur is interested, in the Mills interview in the January-February *Evergreen Review*.

I can only interpret Laqueur's remark, as it applies to Mills, by bringing up as an analogy the conservative hope that Edgar Snow was responsible for spreading the myth that the Chinese Reds were Agrarian Reformers. It never occurred to any of these conservatives to read Snow's books; and I don't imagine it has occurred to Laqueur to read Mills, either.

James Gatsby
Erie, Pennsylvania

In reply:

Mr. Gatsby is welcome to his belief that Messrs. Deutscher and Wright Mills are among the greatest theoreticians of our time. But it is puerile to impute bad faith, jealousy or other personal motives to those students of international affairs – the great majority – who do not share Mr. Gatsby's enthusiasm. I was not discussing Deutscher or Wright Mills but mentioned in passing their attitude to one specific issue. On this there is not much room for doubt. Mr. Deutscher has written that it is a realistic prospect that Russia will be the freest country in the world about 1970, give or take a few years (*The Great Contest*, Oxford University Press, London, 1960, p. 23). How quoting Deutscher ties up with pettiness, spite, Edgar Snow, a Menshevist mentality and garbage cans, I leave to the mercies of Mr. Gatsby's free associations.

Perhaps Professor Wright Mills should not have been mentioned in this context, though he has made some pretty wild statements in the last year or two and it would be easy to supply Mr. Gatsby with a quantity of absurd quotations. But Wright Mills is a distinguished sociologist and since he has made no claim to expertise in the field of Soviet affairs it would be pointless to submit his writings to close scrutiny as if they were the product of years of study by an authority on the subject.

Walter Z. Laqueur
London, England

Teaching the Teachers

Sirs:

That the high school is an anti-intellectual theater of distractions is an all too moderate indictment of what goes on in those citadels of unreason. The alert who have taught in them, however, will want to magnify Leo Hertzel's denunciations of educationdom (*NR*, March 6) to proper scope. He repeated the anemic cliché: high-school pupils are ungrammatical, value-stunted extroverts unfit for induction into the lofty world of the liberal arts, that intellectually teeming world of the university. May I suggest that high-school educators are sick of being lectured by professors on the need for better preparing young charges for fruitful years of college? The American educational dilemma may be precisely those colleges' fault. The colleges excuse themselves for serving academic pap (the "education" courses) to future teachers by claiming they are forced into packaging uninspiring nonsense into the brains of illiterate young women by unfortunate certification laws. . . .

Let the colleges experiment, instead of criticize. Let them assign intellectual-type persons, with a reverence for learning, to the teaching of teachers. This remarkable project, if it spreads, might succeed in lifting the intellectual life not only of high schools, but of the colleges as well. Outside a half dozen universities, there are few colleges where "education" departments are not neglected outposts, ridiculed by the rest of the campus community, spurned by the advisers of brighter students, and seldom worried over except to be admonished with Pecksnifian contempt to do better. The average trainee consequently addicts herself to "life adjustment," becoming as perplexed as any prospective duenna at the sight of intellectual, or idea.

Let us have scholarly research – was it the high school or the college that *first* became the playground? And may we have a comparison of gate receipts?

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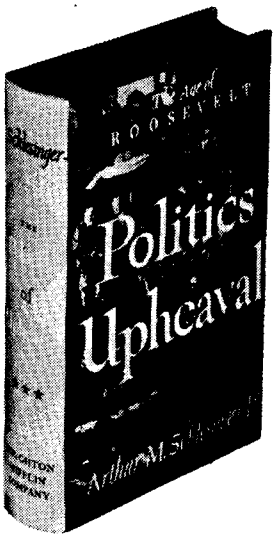

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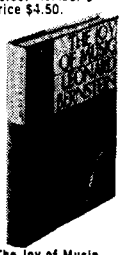

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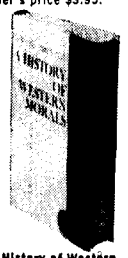

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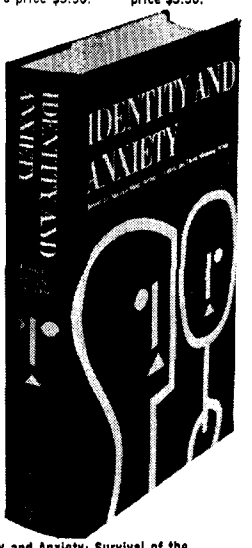

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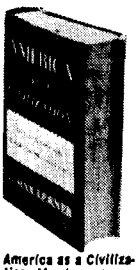

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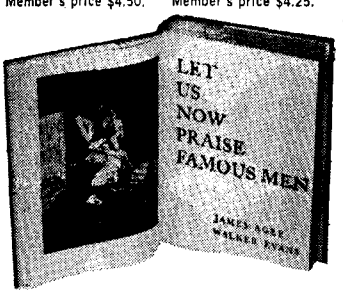

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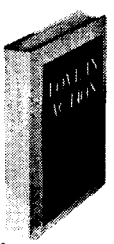

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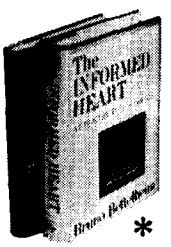

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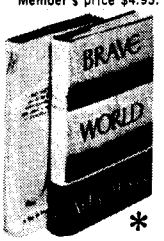

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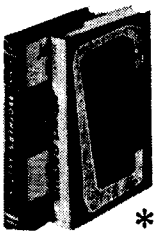

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